

GOVERNMENT OF TELANGANA
ABSTRACT

Urban Land (Ceiling & Regulation) Repeal Act,1999 – Hyderabad Urban Agglomeration — Allotment u/s 23(4) of the Act to certain members of M/s Bhagyalakshmi Co-operative Housing Society Ltd. (TBC No.327), Bagh Amberpet, Hyderabad to sub-serve the common good - Orders issued in G.O.Ms.No.662, Revenue (UC. II) Department, dt.27.08.2004 – Cancellation of allotment – Orders – Issued.

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REVENUE (ULC) DEPARTMENT

G.O.MS.No. 33.

Dated: 15.10.2014

Read the following:-

- Read:
1. G.O.Ms.No.662, Revenue (UC-II) Department, dated:27.08.2004.
 2. From Sri Palivela Satyaraja Babu, Advocate, legal notice dated:26.10.2009.
 3. From the Spl C.S & CCLA Lr.No.UC2/297/2010, dated:04.12.2010.
 4. Govt. Memo No.23012/U.C.IV/98-31, dated:28.12.2010.
 5. From the Hon`ble High Court W.P.No. 24845/2013, dated:29.10.2013.
 6. From the Spl.C.S & CCLA, Hyd Lr.No.UC2/297/2010, dated:12.02.2014.
 7. Govt. Memo No. 23012/UC-IV/98, dated: 26.4.2014.
 8. Explanation dated: 24.05.2014 of Smt.P.Leela Devi & others, Hyderabad.
 9. Govt. Memo No. 23012/ULC(2)/1998, dated:25.09.2014.
 10. Written statement dated: 30.9.2014 of Smt.P.Leela Devi and others, Hyderabad.
 11. Written statement dated: 30.9.2014 of Sri Abdul Rub, Hyderabad.

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In the reference 1st read above orders were issued, among others, allotting Plot Nos: 63,64,64/A,65 & 66 in Sy.No. 4,5,6, T.S. No. 2/1/p, Ward No.159, Block-I, Amberpet (V&M), Hyderabad District in favour of Smt. P.Leela Devi W/o P. Narayana Swamy, Sri Md. Sadiq Ali Khan S/o Mohd. Qader Ali Khan, Sri P. Srinivas S/o Sri P. Yadagiri, Smt.K. Satya Sharadha W/o Sri A. Srinivas and Sri Akkapally Ram Reddy S/o Sri Malla Reddy respectively.

2. In the reference 2nd read above Sri P.Sathyaraja Babu, Advocate has represented that his clients Sri Mohammed Abdul Rub and another are the absolute owners and possessors of house bearing No.2-2-25/4/1 to 3, admeasuring 668 sq.yds., and 267 sq.yds., in Sy.No.83 and 84 in Ward No.159, Block-1, Baghamberpet situated at Durgabai Deshmukh Colony since more than 35 years. Sri M. Krishna Reddy got regularization with specific boundaries under G.O.Ms.No. 455, Revenue (UC-I) Department, Dt:29.07.2002 but the boundaries shown in the regularization Order are not in existence and in fact the boundaries are false and no house is or was in existence and the G.O. Ms.No. 662, Revenue, (UC.IV) Department, dated: 27.08.2004 is illegal, arbitrary and without verification of the records. Sri Md. Sadiq Ali Khan, Sri Akkapalli Ram Reddy and Smt.K. Satya Sarada have obtained Urban Land Ceiling regularization vide G.O. Ms.No. 662, Revenue, (UC.IV) Department, dated: 27.08.2004 on false and fabricated boundaries and requested to cancel the said G.O.

3. In the references 3rd and 6th read above, the Spl Chief Secretary & Chief Commissioner of Land Administration has stated that the petitioners (Sri Abdul Rub & another) are the absolute owners of the area in Sy. No. 83,84 which is a non- surplus land abutting to Sy. No. 4 to 8, 78/1 & 78/2. The area regularized under G.O.Ms.No. 455 in favour of the above individuals for the plots No. 63,64,64/A, 65 and 66 in Sy. No. 3 to 8, 78/1 & 78/2, stated to be belonging to M/s Bhagya Laxmi Co-op Housing Society are not in the layout, since the layout is prepared for 62 plots only. The enquiry revealed that the boundaries of the said plots are not matching on ground. The land regularized in the said plots was in Sy. No. 84 not in Sy. No. 3 to 8, 78/1, and 78/2. The area is not in the possession of the allottees, but it is in the possession of the petitioner (Sri Mohd Abdul Rub & another).

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4. Therefore, the Spl Chief Secretary & Chief Commissioner of Land Administration has requested to take necessary action for cancellation of allotment made in favour of above individuals in view of the directions of Hon'ble High Court in W.P. No. 24845/2013 dt. 29.10.2013.

5. In the reference 5th read above, Sri Mohd. Abdul Rub and another have filed W.P.No.24845/2013 before the Hon'ble High Court of A.P. The Hon'ble High Court of A.P in its orders dated: 29-10-2013 while disposing of the case, directed to issue notice to the petitioners as well as respondent Nos. 9 to 13 and after giving them an opportunity of being heard, shall take appropriate decision on the request of the petitioners for cancellation of G.O. Ms.No. 662, Revenue, (UC.IV) Department, dated: 27.08.2004.

6. The Government have examined the matter and observed that the area regularized in favour of the above individuals is not a surplus land but a retainable land and the layout was prepared for 62 plots only. The enquiry revealed that the boundaries of the said plots are not matching on ground. Therefore the allotment orders issued in favour of Smt. P.Leela Devi W/o P. Narayana Swamy, Sri Md. Sadiq Ali Khan S/o Mohd. Qader Ali Khan, Sri P. Srinivas S/o Sri P. Yadagiri, Smt.K. Satya Sharadha W/o Sri A. Srinivas and Sri Akkapally Ram Reddy S/o Sri Malla Reddy in respect of the Subject land have to be cancelled.

7. In the reference 7th read above, notice has been issued to Smt. P.Leela Devi W/o P. Narayana Swamy, Sri Md. Sadiq Ali Khan S/o Mohd. Qader Ali Khan, Sri P. Srinivas S/o Sri P. Yadagiri, Smt.K. Satya Sharadha W/o Sri A. Srinivas and Sri Akkapally Ram Reddy S/o Sri Malla Reddy directing to show cause as to why the allotment orders issued in the reference 1st read above shall not be cancelled, as the said orders were obtained fraudulently and misrepresenting the facts. In response to the show cause notice, they have submitted their explanations in the reference 8th read above requesting to accord personal hearing to putforth their grievances before taking any final decision is taken in the matter.

8. In view of the directions of Hon'ble High Court issued in the reference 5th read above and taking into consideration of the request of Smt.P.Leela Devi and others, personal hearing was held on 29.09.2014. The Counsels of Sri Mohd. Abdul Rub and Smt.P.Leela Devi & others have attended the personal hearing and submitted their oral as well as written arguments.

9. The Counsel for allottees i.e. Smt.P.Leela Devi and (4) others has stated, among other things that, Sri Mohd. Abdul Rub never questioned when survey had been done in 2002 by the surveyor of ULC, Hyderabad subdivided and the same was allotted to 13 members of the society in 2003 and issued title deeds in 2004 by the Government. After the title deed issued by the Govt., after 5 years in 2009, he made a representation for cancellation of the proceedings of the Govt. issued to these allottees. In 2006 itself the plans of these allottees were approved by the MCH Commissioner and that was never challenged by Sri Mohd. Abdul Rub. He has further stated that it is not a retainable land as alleged, it is allotted from the excess land to M/s Bhagya Lakshmi Co-operative Society by the Government. He has requested to conduct fresh enquiry about all the members of the society but not against these (5) individuals.

10. Sri Mohd. Abdul Rub has stated, among other things that, as per the report of Special Officer and Competent Authority, Urban Land Ceiling, it is clear that the disputed plots are not in Sy.Nos. 4, 5 and 6 and the land belonging to the writ petitioners are situated in Sy.No. 83, 84 admeasuring 668 Sq. yards and 267 Sq. yards and further found that the persons who are claiming the above plots are not in possession of the above plots. The above (5) persons from whom they alleged to have got transfer from the society are and were never in possession of the surplus land. They have not chosen to examine any of the persons from the society to show that they have got valid transfer of the plots which they are claiming; thereby it shows that the above persons are not in possession of the plots and have not got legally enforceable documents from the society. He has requested to cancel the G.O. Ms.No. 662, Revenue, (UC.IV) Department, dated: 27.08.2004 and do justice.

11. Government after careful examination of the proposal of Spl.Chief Secretary & Chief Commissioner of Land Administration and also the contentions put forth in the oral as well as written arguments by their respective counsels observed that Smt.P.Leela Devi and others were not in possession of the land as the Plot Nos. 63 to 66 does not exist in the layout of M/s Bhagya Lakshmi Co-operative Housing Society, as the layout consists of 62 plots only and as such the allotment of land in the said plots made earlier is erroneous. Therefore, the Government have decided to cancel the allotment of surplus land in G.O.Ms.No. 662, Revenue (UC-II) Department, dt: 27.8.2004 in respect of Plot Nos. 63,64,64/A,65 & 66 in Sy.No. 4,5,6, T.S. No. 2/1/p, Ward No.159, Block-I, Amberpet (V&M), Hyderabad District in favour of Smt. P.Leela Devi W/o P. Narayana Swamy, Sri Md. Sadiq Ali Khan S/o Mohd. Qader Ali Khan, Sri P. Srinivas S/o Sri P. Yadagiri, Smt.K. Satya Sharadha W/o Sri A. Srinivas and Sri Akkapally Ram Reddy S/o Sri Malla Reddy respectively.

12. Accordingly, Government hereby cancel the allotment of surplus land in respect of Plot Nos. 63 (an extent of 167.22 Sq. Mts), 64 (an extent of 111.20 Sq. Mts), 64/A (an extent of 111.20 Sq. Mts), 65 (an extent of 238.29 Sq. Mts) & 66 (an extent of 244.14 Sq. Mts) in Sy.No. 4,5,6, T.S. No. 2/1/p, Ward No.159, Block-I, Amberpet (V&M), Hyderabad District in favour of Smt. P.Leela Devi W/o P. Narayana Swamy, Sri Md. Sadiq Ali Khan S/o Mohd. Qader Ali Khan, Sri P. Srinivas S/o Sri P. Yadagiri, Smt.K. Satya Sharadha W/o Sri A. Srinivas and Sri Akkapally Ram Reddy S/o Sri Malla Reddy respectively, which were shown at Sl.No.7, 12, 14, 13 & 11 of the Annexure to the G.O.Ms.No. 662, Revenue (UC-II) Department, dt: 27.8.2004.

13. The Special Chief Secretary & Chief Commissioner of Land Administration, Telangana, Hyderabad and Special Officer & Competent Authority, Urban Land Ceiling, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

B.R.MEENA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Smt. P.Leela Devi W/o P. Narayana Swamy,
Sri Md. Sadiq Ali Khan S/o Mohd. Qader Ali Khan,
Sri P. Srinivas S/o P. Yadagiri,
Smt. K. Satya Sharadha W/o A. Srinivas
Sri Akkapally Ram Reddy S/o Malla Reddy
(through the S.O & C.A, ULC, Hyderabad).
The Special Chief Secretary & Chief Commissioner of
Land Administration, Telangana,, Hyderabad.
The Special Officer & Competent Authority,
Urban Land Ceiling., Hyderabad.
The Commissioner & Inspector General of
Registration & Stamps, Telangana, Hyderabad.
The Commissioner & Director of Survey, Settlements, Hyderabad.
The District Collector, Hyderabad District.
The District Registrar, Hyderabad District.
Copy to: Sri Mohd. Abdul Rub S/o late Mohd. Abdul Qayyum,
Smt.Siddiquunnisa Begum W/o Mohd. Abdul Hague
(through the S.O. & C.A., ULC, Hyderabad).
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER